IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

SUIT NO.34 OF 2006

Burgess Pesi Colabawalla. ...Plaintiff No.1.

And

Simeen Burgess Colabawalla. ... Plaintiff No.2.

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Mr. A. Y. Bookwala, Senior Advocate with Mr.Phiroze Mehta i/b. Desai & Diwanji for Plaintiff Nos.1 and 2.
Plaintiff Nos.1 and 2 present.

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CORAM : DR.D.Y.CHANDRACHUD, J.

December 19, 2006.

P.C.

The First and Second Plaintiffs have filed a suit for divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936. The parties were married on 28th February 1997 in accordance with Parsi Zoroastrian rites and customs. A child has been born on 20th December 1998. Farhaan is now 8 years of age. There have been serious matrimonial disputes between the parties who have lived separately from September 2005. Parties had held long discussions with the assistance of their Learned Counsel. Both the Learned Counsel

stated before the Court that their endeavour to amicably resolve the differences between the parties, however, has not materialised.

Consent Terms have been arrived at between the parties which are annexed to the proceedings. The First and Second Plaintiffs who are present before the Court state that they have entered upon the Consent Terms with a great deal of deliberation. Having regard to the circumstance that no resolution between the parties is now possible, I do not find any reason why a decree for divorce should not be passed under Section 32B as prayed. The Consent Terms provide for alimony and for the custody of the minor child. The child is to remain in the custody of the First Plaintiff, the father, and a right of access has been granted to the Second Plaintiff. I am of the view that the arrangement made by the parties would best subserve the interest and welfare of the child. All undertakings in the Consent Terms are accepted.

The suit shall accordingly stand decreed in terms of prayer clauses (a) and (b).

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